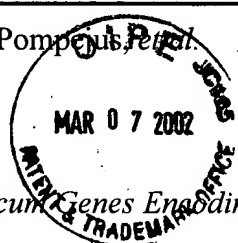


#5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Markus Pompl, et al.
Serial No.: 09/606,740
Filed: June 23, 2000
For: "Corynebacterium glutamicum Genes Encoding
Metabolic Pathway Proteins"
Attorney Docket No.: BGI-121CP



Group Art Unit: 1641

Examiner:

Commissioner for Patents
Box Sequence Listing
Washington, D.C. 20231

**TRANSMITTAL LETTER FOR COMPACT DISKS OF
SUBSTITUTE SEQUENCE LISTING**

Dear Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed from the Patent Office on October 29, 2001, Applicants enclose a Compact Disk (CD) which contains a self-extracting file containing a computer readable form (CRF) of a Substitute Sequence Listing for the above-referenced patent application filed June 23, 2000. The material on this compact disk (CRF) is identical in substance to the compact disk copy of the Substitute Sequence Listing (Copy 1 and Copy 2) which is submitted herewith, in lieu of a paper copy of the Substitute Sequence Listing, pursuant to 37 CFR §1.821(c). Copy 1 and Copy 2 are identical. The compact disks are formatted from an IBM-PC and are compatible with MS-Windows. The compact disks each contain the following file: seqlistcorrected.txt, containing 3,948KB. This file was created on February 27, 2002. The Substitute Sequence Listing contained on the enclosed CD is understood to comply with the requirements of 37 C.F.R. § 1.52 and 37 C.F.R. §1.821-1.825. *No new matter has been added.*

<p>Certificate of First Class Mailing (37 CFR 1.8(a))</p> <p>I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:</p> <p>February 28, 2002</p> <p>Date</p> <p><i>Elizabeth A. Hanley</i></p> <p>Elizabeth A. Hanley, Esq. Reg. No. 33,505</p>
--

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Elizabeth A. Hanley

Elizabeth A. Hanley, Esq.
Reg. No. 33,505
Attorney for Applicants

Dated: February 28, 2002



UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/606,740	06/23/2000	Markus Pompejus	BGI-121CP

 000959
 LAHIVE & COCKFIELD
 28 STATE STREET
 BOSTON, MA 02109

CONFIRMATION NO. 4954

FORMALITIES LETTER



OC00000006991486

Date Mailed: 10/29/2001

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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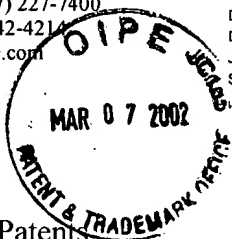
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CRISTIN E. HOWLEY, Ph.D.

* Admitted in NY only
** Admitted in TX only



February 28, 2002

Commissioner for Patents
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/606,740
Filed: June 23, 2000
Entitled: *Corynebacterium Glutamicum Genes Encoding Metabolic
Pathway Proteins*
Inventors: Markos Pompejus, et al.
Our Reference No. BGI-121CP

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Preliminary Amendment and Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of Notice to Comply with Requirements;
3. Transmittal Letter for Compact Disks Containing Substitute Sequence Listing;
4. Compact Disks (Copy 1 and Copy 2) of Substitute Sequence Listing (in lieu of paper copy), pursuant to 37 C.F.R. §1.821(c);
5. Computer Readable Form (Compact Disk) containing Substitute Sequence Listing;
6. Request for Two-Month Extension of Time (in duplicate);
7. Check in the amount of \$400.00 for the extension fee; and
8. Return postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on:

February 28, 2002

Date

Elizabeth A. Hanley, Esq. Reg. No. 33,505

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Elizabeth A. Hanley, Esq.
Reg. No. 33,505
Attorney for Applicants